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VIRGINIA: At a **Work Session** of the Hanover County Planning Commission on Civil Penalties on Thursday, October 15, 2015, beginning at 6:00 P.M.; followed by a **Regular Meeting** of the Hanover County Planning Commission beginning at 7:00 P.M. in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia.

PRESENT: Mr. Larry A. Leadbetter, Chairman
Mr. Randy A. Whittaker, Vice-Chairman
Mr. Jerry W. Bailey
Mrs. Edmonia P. Iverson
Mr. C. Harold Padgett, Jr
Mrs. Ashley H. Peace
Ms. Claiborne R. Winborne

STAFF

PRESENT: Mr. David P. Maloney
Mr. Lee W. Garman
Mr. Dennis A. Walter
Mrs. Sharlee D. Mills
Mrs. Tiffany M. Burton

Chairman Leadbetter called the work session to order at 6:00 P.M. *All members were present.*

ORDINANCE 15-11, CIVIL PENALTIES

Mr. Walter stated Ordinance 15-11 is an amendment that would largely replace the current enforcement mechanism of criminal penalties with the use of civil penalties for zoning violations. Mr. Walter explained the current enforcement policy to the Commissioners to provide a better understanding of how the process works. This process is complaint driven. The primary focus is to bring the violation into compliance. He referenced State Code Section 15.2-2286(a)(5) which outlines the enforcement mechanisms and what can be in the Zoning Ordinance. State Code currently states that violations of the Ordinance may be punished as a criminal misdemeanor with fines that range from \$10 to \$1,000. Currently the Zoning Ordinance treats almost all zoning violations as criminal matters. He presented a PowerPoint slide with a sample of the current enforcement action from start to finish.

Mr. Walter stated the use of civil penalties under State Code Section 15.2-2209 says localities may provide for civil penalties for violations within a local Zoning Ordinance. The local governing body adopts a schedule of the fines. There are a few limitations where the civil penalty cannot be used. The limitations include: zoning violations which results in an injury to any person, activities related to land development, and relating to the posting of signs on public property or public right-of-way. The permissible penalty has an initial summons of no more than \$200 and subsequent summonses of no more than \$500. The use of civil penalties precludes criminal prosecution unless the individual has accumulated \$5,000 in penalties for a violation. The proposed changes for Ordinance 15-11 apply to State Code Section 26-347, Zoning Violations and Notices of Violations; Section 26-348, Civil Penalties; and Section 26-349, Criminal Penalties. The benefits of the new system include:

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- Reduce duplication- appeals to the BZA now have relevance in subsequent enforcement proceedings.
- Eliminate the perceived stigma of a criminal penalty (except for those that State Code has carved out, and for repeat violators).
- Allow for more targeted enforcement (cite and seek penalties from tenants or other responsible party rather than being limited to the property owner).
- Increase efficiency of process
 - No longer need to go to Magistrate to swear out warrant
 - Summons can be issued by Sheriff's Office or by private process server
 - Goal-those cited will be more willing to work with the Planning Department knowing they are only subject to a civil penalty
- Match enforcement mechanisms used in other matters (Violations of Erosion and Sediment Control).

If the Board of Supervisors adopts the proposed changes, it will become effective January 1, 2016. This date allows: the Planning staff to work on updating forms and letter, the County Attorney's Office to prepare appropriate legal forms/pleadings, staff to work with Treasurer's Office regarding the ability of violators to prepay, presentation to the BZA the changes in procedure and possible impact on their role in the process, meeting with judges and court staff in the Hanover General District and Circuit Courts, and notification to the public through County newsletters, the HAN, and Quarterly Developers Meeting.

Mr. Walter concluded by stating at the public hearing, staff will recommend a motion by the Planning Commission, that the Board of Supervisors adopt Ordinance 15-11, Civil Penalties for Zoning Violations. He asked the Commission if they had any questions or concerns in reference to the Ordinance Amendment. Seeing none, he ended his presentation until the public hearing.

Chairman Leadbetter thanked Mr. Walter for his thorough presentation on the Ordinance Amendment. There was no further discussion. He asked Mr. Maloney to briefly update the Commission on the CIP.

Mr. Maloney passed out Finance & Management Services Policies to the Commission. Mr. Maloney stated following the September Planning Commission meeting, he had the opportunity to meet with the Chairman of the Planning Commission, Chairman of the Board of Supervisors, the County Administrator, Mr. Walter, and Deputy County Administrator Frank Harksen. The purpose of the meeting was to advise them of the Planning Commission's interest in reviewing individual

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department requests prior to the County Administrator presenting the full budget to the Board of Supervisors. Mr. Maloney said he was provided a copy of the County's Finance & Management Service Policies as it pertains to the CIP. He said it was his understanding that the consensus from his meeting is that it is the Board's desire to continue reviewing the CIP within the timeframe established by these policies. Mr. Maloney proposed that the Commission consider an amendment to the standing procedures to continue within the timeframes established, a review of the CIP specifically for the items related to the Community Facilities Plan. He said he would let the Commission determine whether a public hearing is still appropriate.

Ms. Winborne stated there were two parts to their concern. The first is the time of the previous scheduled meeting and the second was the scope and focus. She stated she still seems concerned about the purpose of the entire process if it is being done in March.

Mr. Maloney stated that the departments prepare their requests in the fall and there is no revenue information at that time. If the Commission came in earlier in the process, they would be making a decision on an expenditure for which there is no identified funding source.

The Commission and staff continued to have general discussion about the CIP review process. Staff and the Commission agreed that if the items were more condensed and defined, it would make the process more effective.

Chairman Leadbetter asked if the Commissioners had any other questions or comments. Seeing none, he closed the work session.

The Commission recessed at 6:54 P.M.

Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 7:00 P.M. *All members were present.*

Welcome and Pledge of Allegiance

Mr. Whittaker led the Pledge of Allegiance.

Consideration of Agenda Amendments by Action of the Commission

Chairman Leadbetter asked if there were any changes to tonight's agenda.

There were none.

Chairman Leadbetter highlighted the Commissioner's Rules of Order and explained the process for a public hearing.

Citizens' Time

Citizens' Time is limited to 20 minutes, and each speaker shall be allotted five minutes.

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Chairman Leadbetter opened Citizen's Time, asking if there was anyone wishing to speak to the Commission on an issue not on the Agenda.

No one addressed the Commission during Citizens' time.

Chairman Leadbetter closed Citizen's Time.

EXPEDITED PUBLIC HEARINGS

Chairman Leadbetter explained the expedited agenda and asked if there was anyone present who wished to speak regarding any of these cases.

There was no one, so the Commission proceeded on to the Expedited Agenda.

Rezoning

C-4-11(c), AM. 1-15, O. DALE BREEDLOVE

Requests an amendment to the proffers approved with rezoning request C-4-11(c), Stephen R. Marks, on GPIN 8708-64-7246, zoned AR-6(c), Agricultural Residential District with conditions, and located on the east line of Hanover Courthouse Road (U.S. Route 301) approximately 900 feet north of its intersection with Stumpy Road (State Route 654) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Garman briefly presented this request to amend the cash proffers. Staff recommends approval subject to the amended proffers which are in accordance with the Business and Residential Development Road Improvements Transportation Policy.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. The applicant was not present. Because it is an expedited case, the applicant is assumed to be in agreement with staff recommendations in his or her absence. Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if the Commission had any further questions or discussion. Seeing none, he asked for a motion.

Upon a motion by Mr. Bailey, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-4-11(c), AM. 1-15, O. DALE BREEDLOVE, SUBJECT TO THE PROFFERS DATED OCTOBER 2, 2015:**

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual Plan to Accompany An Application for GPIN 8708-64-7228 located on the Eastern Line of Hanover Courthouse Road (U.S. Route 301)," dated April 4, 2011, and prepared by Goodfellow, Jalbert, Beard and Associates.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. Cash Proffer. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the

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Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

The vote was as follows:

Mr. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

C-24-15(c), ERIN L. ARMENTROUT

Requests to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 7864-49-7676, consisting of approximately 14.56 acres, and located on the south line of Verdon Road (State Route 684) approximately 0.28 mile west of Sleepy Hollow Lane (private road) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 7.28 acres. (PUBLIC HEARING)

Mr. Garman briefly presented this request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions to allow the creation of one additional building lot. Staff recommends approval subject to the submitted proffers.

Chairman Leadbetter opened the public hearing and asked if the applicant was present and in agreement with the staff recommendations. From the audience, the applicant acknowledged that she was in agreement. Chairman Leadbetter asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, he closed the public hearing.

Chairman Leadbetter asked if the Commission had any further questions or comments. Seeing none, he asked for a motion.

Upon a motion by Mrs. Iverson, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-24-15(c), ERIN L. ARMENTROUT, SUBJECT TO THE SUBMITTED PROFFERS, DATED SEPTEMBER 22, 2015 AND THE CONCEPTUAL PLAN TITLED, "CONCEPTUAL PLAN, ARMENTROUT REZONING," PREPARED BY E.L. ARMENTROUT, DATED SEPTEMBER 22, 2015:**

1. Conceptual Plan. The Property shall be divided in substantial conformity with the conceptual plan attached, titled "Armentrout AR-6 Rezoning," prepared by Erin Armentrout, dated July 31, 2015, and revised September 22, 2015.
2. Reservation of Right-of-Way. The Property Owner agrees to reserve twenty-five feet (25') of right-of-way from the centerline of Verdon Road (State Route 684) to the property for future road widening.

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3. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
4. Contribution for Road Improvements. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

The vote was as follows:

Mr. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

INDIVIDUAL HEARING

Conditional Use Permit

CUP-15-05, AM. 1-15, CAVALIER RIFLE & PISTOL CLUB

Requests an amendment to a Conditional Use Permit in accordance with Sections 26-20.10 and 26-20.14 of the Hanover County Zoning Ordinance to amend the conditions of the existing Conditional Use Permit that permits a private club and private recreation facility on GPINs 6891-41-7956, 6890-37-5223, 6890-59-0704, 6891-30-4684, 6891-20-5055, 6890-39-6865, 6890-38-0916, 6890-38-6620, 6890-48-2570, 6891-41-8135 and 6891-33-8060, consisting of approximately 434.61 acres, zoned A-1, Agricultural District, and located at the terminus of Boondock Lane (private road) approximately 0.68 mile south of Taylors Creek Road (State Route 610) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. (PUBLIC HEARING)

Mr. Garman gave a full presentation on this case to permit an amendment to the sketch plan and conditions of CUP-15-05, which permits a private club and recreation facility. The existing CUP permits recreational use of the property that includes fishing, boating, and limited camping. A concurrent amendment request to SE-37-05 governs that design and use of the shooting ranges and will be considered by the Board of Supervisors. Staff recommends approval subject to the conditions as outlined in the staff report and the revisions to the sketch plan.

Ms. Winborne asked for clarity on the gray shaded areas of the conceptual plan that shows the buffer. She asked if that area was going to change.

Mr. Garman stated there have been some slight changes due to proposed improvements to the area. The improvements have removed some of the existing buffer area.

Ms. Winborne asked Mr. Garman if she was reading the map correctly to interpret a proposed 100' buffer.

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Mr. Garman stated that was correct.

Chairman Leadbetter asked Mr. Garman to clarify the cap of the membership as to whether it was under the CUP or the SE.

Mr. Garman responded stating currently the CUP and SE address membership associated with the firing ranges. He said since the firing range is subject to a separate SE, staff recommends membership limits not be a condition of the CUP.

Chairman Leadbetter advised the Commission that they are only making recommendations on that portion of the application. He stated the SE goes directly to the Board.

Mr. Padgett asked why the Commission was not hearing the SE jointly with the CUP.

Mr. Maloney explained in 2005, due to the complexity of the operation, the Board of Supervisors chose to send both the CUP and SE to the Planning Commission for review and recommendation. He also explained that the current applications are amendments and not as complex as the 2005 application. He said he assumes that is why the Board of Supervisors did not send the SE to the Planning Commission for review and recommendation. Mr. Maloney said the Planning Commission could make a recommendation that the conditions of the CUP be combined with the SE so that only one permit governs the use of the property.

Chairman Leadbetter opened the public hearing. He asked if the applicant or a representative for the applicant could come forward to speak about the case.

Brennen Keene, attorney for the applicant, came forward. Mr. Keene gave a background of Cavalier Rifle and Pistol Club. He stated this has been a member driven club organization since 1937. The club was established to promote marksmanship and that is essentially what the club does today. He explained the original permit, which was called a Special Use Permit, was issued in 1965 and had one sentence. In 2006, Cavalier came before the County to modernize the CUP and SE. The club has been operating under it ever since. Mr. Keene said he thinks it is a positive thing to consider putting everything under one permit. He addressed the issue of the forested buffer. He stated there are a few areas Cavalier is proposing to go into the forested buffer. The area is for the indoor shooting range. He said Cavalier is working with engineers to slide that area further away from the adjacent property to provide more buffer. He concluded by saying his client is in agreement with the staff recommendations and respectfully requests the Commission approve the proposal.

Mr. Padgett asked Mr. Keene to explain the condition of the old road shown on the plat that parallels Boondock Lane.

Mr. Keene stated the area is full of trees.

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Chairman Leadbetter asked if anyone wanted to speak in support of the case. Due to the number of citizens wishing to speak, the Chairman advised that there was a three minute time limit on speaking.

Frank Timpano came forward to express his support for the Cavalier Club application.

Randy McFarland, a member of Cavalier, was next to speak in support. He stated Cavalier needs this approval because the current design hinders operations, the hours of operation need to be extended, Cavalier needs to establish its own membership and host community events.

Miles Barrett, an instructor from Goochland, stated his 4-H group uses the club. He said he is in support of the application because the club teaches teens life lessons.

Candy Eubank, facilitator of "A Girl & A Gun", uses Cavalier once a month for their program. She is in support of the application.

Dennis Stanton, member of Cavalier, supports the application. The opportunities at Cavalier are related to shooting, but not about shooting he stated. It is about the teaching and learning.

Christopher Eubank, recommends Cavalier to family and friends. He said Cavalier is a place always willing to help.

Robert Hamlett, a Henrico resident, came forward to speak. He stated he runs the conventional high powered matches at Cavalier and is in support.

Henry Baskerville stated Cavalier has people from all over the world come to the club to shoot. He said safety is encouraged and taught at Cavalier. Mr. Baskerville stated Cavalier has its own handicap section where lessons can also be taught to those in wheelchairs.

Diane Stairs, a member of Cavalier, stated she is in full support of the club.

Virgil Kopf, a member of the Board of Directors for Cavalier, came forward. He stated he is in support because Cavalier focuses on family and sponsors events for all ages.

Mike Davis, member of Cavalier, stated he is in support because the club focuses on firearm safety.

Chairman Leadbetter asked if anyone wanted to speak in opposition of the case. Due to the number of citizens wishing to speak, the Chairman advised that there was a three minute time limit on speaking.

James Sturgill, resident of Boondock Lane, came forward to speak against the application. He stated he wants Cavalier to continue to successfully operate as a private club, but he also wants them to maintain good relations with its neighbors. He said he has concerns about safety, speed, and dust on Boondock Lane with the CUP approval.

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Dan Cantor, a member of Cavalier and resident of Boondock Lane, stated he does not support this application because it would increase traffic flow on Boondock Lane. He stated the road needs to be improved if Cavalier wants to make these changes.

Donna Cantor, a resident of Boondock Lane, stated she is opposed to the application because she has concerns about the traffic and safety of the road.

Walt Glusiec stated Cavalier's road crosses the corner of his property. He is a member of the club. He said he has concerns about noise abatement, the indoor range and extension of hours.

Helen Wells stated she is concerned that with the increased membership, there will be an increase in noise pollution. She stated she is also concerned about safety and the probability of someone coming to their home after dark (which has happened she said).

Scott Welton, resident of Boondock Lane, has concerns about the road.

Bernard Blommel has concerns with outreach, increased traffic and noise. He would like to see Cavalier become more neighborly when it comes to outreach.

Walter Vaughan has major concerns about increased traffic and noise.

Paul Dunkelberger, another resident of Boondock Lane, came forward and stated he has concerns about the dust from the traffic currently. He feels the increased membership will make this matter worse.

Chairman Leadbetter asked the representative for the applicant to come forward for rebuttal.

Mr. Keene stated the concerns raised about Boondock Lane were heard at the Community Meeting. He said Cavalier has agreed to take on 80% of the road maintenance for Boondock Lane. Mr. Keene stated Cavalier wants to be a good neighbor to the residents. He also addressed the concerns about the membership caps. He reminded the citizens that the caps fall under the Special Exception permit and not the CUP.

Chairman Leadbetter asked if the Commissioners had any questions for Mr. Keene.

Mr. Whittaker asked how many lots or homes are on Boondock Lane.

Mr. Keene responded stating he believes it is a total of 16 to 18 homes and a few undeveloped lots.

Mr. Whittaker asked Mr. Keene if Cavalier was currently paying 80% of the road maintenance.

Mr. Keene stated Cavalier has offered to pay the 80%. Currently a neighbor will bring gravel and Cavalier will contribute to it. It is a neighborly participation method right now but Cavalier would like to formalize things and have a written commitment to the road maintenance.

Mr. Padgett asked if the 80% was contingent to the approval of the CUP and SE.

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Mr. Keene responded saying no. He said Cavalier offered this back in 2006 but there was little interest to proceed at that time.

Ms. Winborne asked how long Boondock Lane is.

Mr. Keene stated 0.68 mile.

Mr. Whittaker asked if Cavalier was also offering to grade the road and keep it crowned and nice. Are they also offering to have speed bumps to keep the traffic down to ten miles per hour?

Mr. Keene responded stating 80% of the road maintenance all in. That means whatever road maintenance is required, Cavalier will pay 80% of it. There is also a cap on each of the property owners' participation of \$100 per year.

Chairman Leadbetter closed the public hearing.

Chairman Leadbetter asked if there was any documentation stating if the building is not built, then the current forested buffer will not be disturbed. Specifically the removal of the trees in the area where the training facility would go.

Mr. Maloney stated the Planning Commission could make the buffer a component of the recommended conditions.

The Commission continued to have discussion about the buffer and noise regarding the building with staff and Mr. Keene.

Chairman Leadbetter made some comments prior to his motion. He stated the following: "Before I make a motion, I would like to thank Mr. Welton along with the neighbors that live on Boondock Lane for inviting me into his home to listen to their concerns. I found their concerns to be valid and I was treated in a very respectful manner. I would also like to thank Mr. Coleman for his help with cooperation in working with everyone involved throughout this process. Although the CUP portion of this case has the less contentious issues, I would like to take a moment to make the following comments before going straight to a motion. As with most of our non-expedited cases, it takes a consistent effort on everyone's part to achieve the best possible result in which I will add does not end tonight. This case is not about one party winning or losing. It will take a compromise on both sides. The residents on Boondock Lane made a conscience decision to live in a neighborhood with an established Rifle and Pistol Club however, that should not exclude them the right to live a reasonable lifestyle. On the other hand, Cavalier through due process should have the right to request improvements and expansion of its property and club. I make these comments because I believe it is important for us all to respect the rights of others whether you are an organization with hundreds of members or a neighborhood of 16 homes. These rights give us the freedoms we enjoy today. I also make these

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comments in an effort to give guidance as this case moves forward to the Board of Supervisors. Having made these comments, I move to my motion."

Chairman Leadbetter made a motion to **APPROVAL CUP 15-05, AM. 1-15, CAVALIER RIFLE & PISTOL CLUB, SUBJECT TO THE CONDITIONS AS OUTLINED IN THE STAFF REPORT AND REVISION OF THE SKETCH PLAN TO SHOW RECOMMENDED CHANGES TO THE CAMPING AREA, AS WELL AS THE FOLLOWING:**

- There will be a 200' minimum buffer between the proposed shooting range and the northern property line
- No clearing in the area of the indoor shooting range until site plans have been reviewed and approved by the County
- A directive to the applicant to adjust the sketch plan showing the 200' buffer prior to the Board of Supervisors meeting.

Mr. Bailey **SECONDED.**

Chairman Leadbetter asked if there were any questions or discussion from the Commissioners.

Mr. Padgett stated Cavalier does great things for the community. He said he has trouble with the unlimited membership. He stated membership translates into usage and noise. Mr. Padgett also had concerns about Boondock Lane. He said no one wants to live where there is constant dust. He said he thinks Boondock Lane should be paved and Cavalier should pay for it. He said for those reasons he could not support the motion.

Ms. Winborne said she thought the Chairman stated membership was covered under the SE and the Commission was not voting on that. She asked the Chairman if that was correct.

Mrs. Peace asked Mr. Padgett if he was suggesting to keep the CUP and SE as two separate items because she thought the Chairman was suggesting that they be combined.

Mr. Padgett stated he does not mind if the two are combined but he does not support the motion because of the reasons he stated earlier.

Chairman Leadbetter asked Mr. Maloney to provide some clarity on the discussion.

Mr. Maloney explained the process from 2006 when the case first came to the Board. Mr. Maloney said the recreational activities such as fishing and camping would not exist if it were not for the shooting range. Therefore, they are accessory uses to the shooting range, not separate and apart. He stated from staff's perspective, the recommendation for the elimination of the membership cap was because members do not join the club just to camp or fish. The Conditional Use Permit governs the components of the recreation facilities. The SE governs the membership. He said what staff is trying to

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do is consolidate everything into a single zoning action so there will be no question as to what is allowed under the CUP and what is allowed under the SE.

Mr. Padgett asked the Chairman would they be making no recommendation on membership limits under his motion.

Chairman Leadbetter said that is correct.

Mr. Padgett said with that being said, he could support the motion.

Chairman Leadbetter asked Mr. Maloney to clearly define the recommendation.

Mr. Maloney stated the staff recommended conditions are silent on membership. There is no condition governing membership under the CUP; that would all fall under the SE.

Ms. Winborne asked for a summary of what the Commission is voting on.

Mr. Maloney stated the motion is to recommend approval of CUP-15-05, AM. 1-15, with the conditions recommended by staff, with additional recommendations:

- There will be a 200' minimum buffer between the proposed shooting range and the northern property line
- No clearing in the area of the indoor shooting range until site plans have been reviewed and approved by the County
- A directive to the applicant to adjust the sketch plan showing the 200' buffer prior to the Board of Supervisors meeting.

Chairman Leadbetter asked if there were any further questions or discussion from the Commissioners. Seeing none, he called for the vote.

Upon a motion by Chairman Leadbetter, seconded by Mr. Bailey, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF CUP-15-05, AM. 1-15, CAVALIER RIFLE & PISTOL CLUB, SUBJECT TO THE CONDITIONS AS OUTLINED IN THE STAFF REPORT AND REVISION OF THE SKETCH PLAN TO SHOW RECOMMENDED CHANGES TO THE CAMPING AREA:**

1. Buffer. The site plan shall depict a forested buffer surrounding the facilities on the property. The forested buffer shall extend to the boundary of the properties governed by this Conditional Use Permit. The forested buffer shall be subject to a timber management plan, which shall be submitted to the Hanover County Planning Department at the time of site plan; provided, however, that there shall be no clear-cutting of any portion of the forested buffer. Nothing in this section shall prevent the removal of dead or diseased trees, or parts thereof.
2. Parking. No parking shall be permitted along Boondock Lane.
3. Public Announcement System. The only type of public announcement system shall be a bullhorn or other similar hand held microphone and loudspeaker system.

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4. Well Head Protection. No new development (buildings, structures, parking) or active use shall be allowed within 100 feet of the well. The site plan shall reflect a 100-foot buffer around the well.
 - A. The Club shall test for lead in the well on an annual basis and report any results which exceed regulatory standards or action levels.
 - B. The Club shall obtain all necessary permits from the Department of Health prior to the use of the well for potable water as may be needed for any new facilities such as the Indoor Shooting Range.
 - C. The Club shall develop a drum management plan. Only drums that are empty, labeled as empty, and with the lids removed shall be kept on site. No bulk storage of cleaning chemicals, pesticides, or petroleum product (55 gallons or greater) shall be allowed.
5. Camping. Camping is permitted on site by members of the Club and their guests, provided that no more than 25 guests may camp on the property at any one time except as permitted by the Special Exception Permit issued for the Property (SE-37-05, Am. 1-15).
6. Compliance. All development and use of the Property shall comply with all federal, state and local statutes, ordinances and regulations.

THE PLANNING COMMISSION FURTHER RECOMMENDS THE FOLLOWING:

7. There will be a 200' minimum buffer between the property line and the area of the clearing to accommodate the future indoor shooting range. The sketch plan must be modified accordingly prior to the Board of Supervisors meeting.
8. No clearing until a site plan has been submitted, reviewed and approved by the County.
9. The Board of Supervisors consider consolidating all of the conditions of the Conditional Use Permit and the area of the Conditional Use Permit into the Special Exceptions Permit to allow one action to cover all conditions.

The vote was as follows:

Mr. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

The Commission recessed at 8:57 P.M.

Meeting Reconvened

Chairman Leadbetter called the meeting back to order at 9:04 P.M. *All members were present.*

Ordinance Amendments

**ORDINANCE 15-11
CIVIL PENALTIES**

AN ORDINANCE to amend the Hanover County Code, Chapter 26, Zoning Ordinance, by amending Sections 26-347, 26-348, and 26-349, and by relocating the provisions of current Section 26-349 into a new Section numbered 26-350, to provide that violations of the Hanover County Zoning Ordinance shall be punished by a civil penalty, in accordance with the following:

1. The amount of the Civil Penalty shall be Two Hundred Dollars (\$200.00) for an initial violation and Five Hundred Dollars (\$500.00) for subsequent violations,
2. Civil Penalties shall not be used for violations that:

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- a. Result in injury to any person,
 - b. Are for activities related to land development, or
 - c. Are related to the posting of signs on public property or public rights-of-way.
3. Civil Penalties shall be in lieu of Criminal Penalties, except for those violations which are listed above as exempt from Civil Penalties and in those situations where the amount of Civil Penalties for a repeated violation exceed Five Thousand Dollars (\$5,000.00).

(PUBLIC HEARING)

Mr. Walter stated the adoption of civil penalties for violations of the Zoning Ordinance would largely replace the current approach which treats a vast majority of all zoning violations as criminal misdemeanors. The adoption would result in procedural changes that should help to make the enforcement process more efficient. It would not prohibit the Planning Department from seeking other civil enforcement mechanisms when appropriate. Staff and the County Attorney's Office recommends the Planning Commission recommend the Board of Supervisors adopt Ordinance 15-11.

Chairman Leadbetter opened the public hearing. He asked if anyone present wanted to speak for or against the Ordinance Amendment. Seeing no one, he closed the public hearing.

Chairman Leadbetter asked if there were any further questions or discussion from the Commission. Seeing none, he asked for a motion.

Upon a motion by Mr. Padgett, seconded by Mrs. Iverson, the Planning Commission voted **UNANIMOUSLY TO APPROVE ORDINANCE 15-11, CIVIL PENALTIES, AS RECOMMENDED BY STAFF.**

The vote was as follows:

Mr. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

ORDINANCE 15-12 RESIDENTIAL SETBACKS

AN ORDINANCE to amend the Hanover County Code, Chapter 26, Zoning Ordinance, as follows:

1. To amend Section 26-6, to modify the definition of “front yard”, “yard measurement”, “rear yard”, “required yard” and “side yard”, to provide that, in residential zoning districts, properties shall contain a front yard and a rear yard while business and industrial districts continue to consist of a front yard, side yard, and rear yard;
2. To amend Sections 26-26, 26-40, 26-52, and 26-63, to modify the yard requirements in the A-1, Agricultural District, the AR-6, Agricultural Residential District, the RC, Rural Conservation District, and the RS, Single-Family Residential District, respectively, to provide that there shall be requirements for side setbacks in front yards rather than requirements for side yards;
3. To amend Section 26-59, to conform the regulations applicable to conditional uses in the RS, Single-Family Residential District to the amended definitions of front yard and rear yard;

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4. To amend Section 26-243, to conform the definitions applicable to side yards to reflect the changes being made to the definitions of front yard, side yard, and rear yard;
5. To amend Section 26-247, to amend the regulations applicable to accessory buildings and pools to reflect the changes being made to the definitions of front yard, side yard, and rear yard; and
6. To provide that the changes being made to the definition of front yard, side yard, and rear yard shall be applicable to the district regulations applicable to those residential districts which have been repealed by the Board of Supervisors.

(PUBLIC HEARING)

Mr. Maloney stated this Ordinance Amendment would revise the definition for both the front and rear yards. It also refines the methodology for determining the yards and eliminates the requirement for a side yard within residential districts. The Planning Commission Subcommittee recommended approval subject to the following modifications:

- Eliminate reference to the parking of trailers, recreational vehicles, and so forth in the "side yard"
- The title to Section 26-243 be modified to read "Section 26-243 Residential Side Setbacks and Non-Residential Side Yards"
- Addition of language regarding the interpretation by the Zoning Administrator or Planning Director and appeals of those decisions.

Staff recommends the Planning Commission recommend the Board of Supervisors adopt Ordinance 15-12. Mr. Maloney stated Ms. Winborne, Chairman of the Subcommittee, wished to make some comments.

Ms. Winborne shared with the Commission that the Subcommittee saw a need to add language of interpretation by the Zoning Administrator to the Zoning Ordinance for lots with unique orientations.

The Commission and staff had general discussion about the language. The discussion concluded with a recommendation that a general information sheet be created and made available for citizens to understand how the interpretations are made and the options available to them should they not agree.

Chairman Leadbetter opened the public hearing. He asked if anyone present wanted to speak for or against the Ordinance Amendment. Seeing no one, he closed the public hearing.

Chairman Leadbetter asked if there were any further questions or discussion from the Commission. Seeing none, he asked for a motion.

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Upon a motion by Ms. Winborne, seconded by Mr. Whittaker, the Planning Commission voted **UNANIMOUSLY TO APPROVE ORDINANCE 15-12, RESIDENTIAL SETBACKS, AS RECOMMENDED BY STAFF.**

The vote was as follows:

Mr. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

**ORDINANCE 15-13
PERFORMANCE AGREEMENTS FOR REQUIRED
ZONING IMPROVEMENTS**

AN ORDINANCE to amend the Hanover County Code, Chapter 26, Zoning Ordinance, Sections 26-61, 26-68, 26-77, and 26-78, to modify the requirements in the RS, Single-Family Residential District and the RM, Multi-Family Residential District regarding the timing of the installation of street trees and sidewalks within these zoning districts and to allow greater flexibility in the location of street trees required to be installed as part of the applicable district regulations. (PUBLIC HEARING)

Mr. Maloney stated that the Ordinance provides that required street trees can be placed at the front of each lot on a street, within a common open space easement, or massed in common open space. This would help to avoid the situation where a developer must plant trees on a few remaining un-built lots to avoid default on a performance bond. The Ordinance also allows the grouping of trees on street segments within an open space easement.

Chairman Leadbetter opened the public hearing. He asked if anyone present wanted to speak for or against the Ordinance Amendment. Seeing no one, he closed the public hearing.

Chairman Leadbetter asked if there were any further questions or discussion from the Commission. Seeing none, he asked for a motion.

Upon a motion by a motion by Mr. Whittaker, seconded by Ms. Winborne, the Planning Commission voted **UNANIMOUSLY TO APPROVE ORDINANCE 15-13, SURETY FOR INSTALLTION OF REQUIRED IMPROVEMENTS, AND A MODIFICATION TO INSTALLATION OF REQUIRED STREET TREES IN THE RS AND RM DISTRICTS, AS RECOMMENDED BY STAFF.**

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The vote was as follows:

Mr. Leadbetter	Aye
Mr. Whittaker	Aye
Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Ms. Winborne	Aye

The motion carried.

Chairman Leadbetter thanked Mr. Maloney, staff, and Mr. Walter for preparing the Ordinance Amendments and making them user friendly.

Miscellaneous

A. Approval of Minutes

Upon a motion by Ms. Winborne, seconded by Mr. Padgett, the Planning Commission voted unanimously to approve the September 18, 2015, minutes as submitted.

B. Upcoming Community Meetings

Mr. Maloney informed the Commission that there were two upcoming community meetings. He made reference to a handout given to them at their seats on the dais regarding the meetings.

ADJOURNMENT

Chairman Leadbetter thanked the press and public for coming to the meeting.

There being no further business on the regular agenda, Chairman Leadbetter adjourned the meeting at 9:24 P. M. The next regularly scheduled meeting is November 19, 2015.